

said judge shall issue his warrant of search to any sheriff, city marshal, or deputy, or to any constable, who shall proceed to search the premises described in said warrant, and if any spirituous or intoxicating liquors are found therein, he shall seize the same, and convey them to some proper place of security, where he shall keep them until final action is held thereon. But no dwelling house in which or in part of which a shop is not kept, shall be searched, unless at least one of said complainants shall testify to some act of sale of intoxicating liquors therein, by the occupant thereof, or by his consent or permission within at least one month of the time of making said complaint. And the owner or keeper of said liquors seized as aforesaid, if he shall be known to the officer seizing the same, shall be summoned forthwith before the justice or judge by whose warrant the liquors were seized, and if he fails to appear, or unless he can show by positive proof, that they are of foreign production, that they have been imported under the laws of the United States, and in accordance therewith—that they are contained in the original packages in which they were imported, and in quantities not less than the laws of the United States prescribe, they shall be declared forfeited, and shall be destroyed by authority of the written order to that effect of said justice or judge, and in his presence, or in the presence of some person appointed by him to witness the destruction thereof, and who shall join with the officer by whom they shall have been destroyed, in attesting that fact upon the back of the order, by authority of which it was done; and the owner or keeper shall pay a fine of twenty dollars and costs, or stand committed for thirty days, in default of payment, if, in the opinion of the court, said liquors shall have been kept or deposited for the purpose of sale. And if the owner or possessor of any liquors seized in pursuance of this section, shall set up the claim that they have been regularly imported under the laws of the United States, and they are contained in the original packages, the custom-house certificate of importation and proof of marks on the casks or packages corresponding thereto, shall not be received as evidence that the liquors contained in said packages are actually imported therein.

Sec. 12. If the owner, keeper, or possessor of liquor seized under the provisions of this act, shall be unknown to the officers seizing the same, they shall not be condemned and destroyed until they shall have been advertised, with the number and description of the packages as near as may be, for two weeks, by posting up a written description of the same in some public place, that if such liquors are actually the property of any city or town in the state, and were so at the time of the seizure, purchased for sale by the agent of said city or town, for medical and mechanical purposes only, in pursuance of the provisions of this act, they may not be destroyed; but upon a satisfactory proof of such ownership, within said two weeks, before the justice or judge by whose authority said liquors were seized, and justice or judge shall deliver to the agent of said city or town an order to the officer having said liquors in custody, whereupon said officer shall deliver them to said agent, taking his receipt therefor upon the back of said order, which shall be returned to said justice or judge.

Sec. 13. If any person claiming any liquors, seized as aforesaid, shall appeal from the judgment of any justice or judge by whose authority the seizure was made to the district court, before his appeal shall be allowed, he shall give a bond in the sum of two hundred dollars, with two good and sufficient sureties to prosecute his appeal, and to pay all fines and costs which may be awarded against him, and in case of any such appeal, where the quantity of liquors so seized shall exceed five gallons, if the final decision shall be against the appellant, that such liquors were intended by him for sale, he shall be adjudged by the court a common seller of intoxicating liquors, and shall be subject to the penalties provided for in section eight, of this act; and said liquors shall be destroyed as provided in section eleven. But nothing contained in this act shall be construed to prevent any chemist, artist, or manufacturer in whose art or trade they may be necessary, from keeping at his place of business such reasonable and proper quantities of distilled

liquors as he may have occasion to use in his art or trade, but not for sale.

Sec. 14. It shall be the duty of any mayor, aldermen, or selectmen, assessor, city marshal or deputy, or constable, if he shall have information that any intoxicating liquors are kept or sold in any tent, shanty, hut or place of any kind for selling refreshments in any public place, on or near the ground of any cattle show, agricultural exhibition, military muster, or public occasion of any kind, to search such suspected place, and if such officer shall find upon the premises any intoxicating drinks, he shall seize them, and arrest the keeper or keepers of such place, and take them forthwith, or as soon as may be, before some justice or judge of a municipal or police court with the liquors so found and seized, and upon proof that said liquors are intoxicating, that they were found in possession of the accused, in a tent, shanty, or other place as aforesaid, he or they shall be sentenced to imprisonment in the county jail for thirty days, and the liquor so seized shall be destroyed by order of said justice or judge.

Sec. 15. If any person arrested under the preceding section, and sentenced as aforesaid, shall claim an appeal, before his appeal shall be allowed, he shall give a bond in the sum of one hundred dollars, with two good and sufficient sureties, that he will prosecute his appeal, and pay all fines, cost and penalties, which may be awarded against him. And if on such appeal the verdict of the jury shall be against him, he shall, in addition to the penalty awarded by the lower court, pay a fine of twenty dollars. In all cases of appeal under this act from the judgment of a justice or judge of any municipal or police court, to the district court, except where the proceedings is by action of debt, they shall be conducted in said district court by the prosecuting officer of the government—and said officer shall be entitled to receive all costs taxable to the State, in all criminal proceedings under this act, in addition to the salary allowed to such officer by law—but no costs shall be remitted or reduced by the prosecuting officer or the court. In any suit, complaint, indictment, or other proceeding against any person for a violation of any of the provisions of this act, other than for the first offence, it shall not be requisite to set forth particularly the record of a former conviction, but it shall be sufficient to allege briefly, that such person has been convicted of a violation of the fourth section of this act, or as a common seller, as the case may be; and such allegation in any civil or criminal process in any stage of the proceedings, before final judgment, may be amended without terms and as a matter of right.

Sec. 16. All payments of compensation for liquors sold in violation of law, whether in money, labor or other property, either real or personal, shall be held and considered to have been received in violation of law, and without consideration, and against law, equity and good conscience; and all sales, transfers, conveyances, mortgages, liens, attachments, pledges, and securities of every kind, which, either in whole or in part, shall have been for or on account of spirituous or intoxicating liquors, shall be utterly null and void against all persons and in all cases, and no rights of any kind shall be acquired thereby; and in any action either at law or equity, touching such real or personal estate, the purchaser of such liquors may be a witness for either party. And no action of any kind shall be maintained in any court in this State, either in whole or in part for intoxicating or spirituous liquors sold in any other State or country whatever, nor shall any action of any kind be had or maintained in any court in this State, for the recovery or possession of intoxicating or spirituous liquors, or the value thereof.

Sec. 17. All the provisions of this act relating to towns shall be applicable to cities and plantations; and those relating to selectmen shall also be applied to the mayor and aldermen of cities and assessors of plantations.

Sec. 18. The act entitled "an act to restrict the sale of intoxicating drinks," approved August sixth, one thousand, eight hundred and forty-six, is hereby repealed, except the thirteen sections from section ten to section twenty-two, inclusive, saving and reserving all actions or other proceedings, which are already commenced by authority of the same,

and all other acts and parts of acts inconsistent with this act, are hereby repealed. This act to take effect from and after its approval by the governor.—Approved June 2, 1851.

Misrepresentation.

It is surprising how many intelligent men have been misled by the clamor which interested persons raise against the Maine Liquor Law.

Not long ago, a very intelligent gentleman of this city, asked us to furnish him a copy of the Maine Law, stating that he wished to publish several articles upon its unconstitutionality, and injustice, as a *sumptuary* enactment. We assured him that he would find little in the law out of which to manufacture articles of the sort mentioned against it, and furnished him with a copy of it, asking him to use our columns in bringing his views before the public. Several days after we met him, and inquired what progress he had made in reviewing the law. As we expected, reading it had removed the objections he had conceived against it, and he said emphatically that there was nothing unconstitutional in any of its provisions. That he had seen statements about it in the papers which had no foundation in the law itself, and consequently had no articles to write against it!

Now this is precisely the case with every man having two ideas more than an oyster, who opposes the Maine Law, and is honest in his opposition to that law upon unconstitutional grounds. He has not read the law, and is misled by the false statements of those whose interest it is to support the traffic in liquor.

Opponents, in no instance that we have seen, meet the true issue fairly made by the law. That issue is the propriety of the traffic in liquors as a beverage! It is not whether a man has a right to drink—or whether he may, or shall drink or not. It fully recognizes the right of any man to drink, just what and when he pleases. It allows him to swallow *tenpenny* nails and brick-bats, if he chooses. The law has nothing whatever of a *sumptuary* character about it; it is simply a commercial enactment, declaring how a certain branch of business may be conducted in the community.

We would say to those engaged in the traffic, that by misrepresenting and lying about the Maine Law, it will only make matters worse for them in the end.—*Temperance Battery.*

ONWARD!—We are glad to be able to say to friends abroad, that the cause of Temperance in Rhode Island is onward. We are gaining strength. Every day adds to the number of Rum-enemies. The old pledge is moving again. Men are reforming. The law is gaining friends, and its friends are renewing their efforts for its enforcement. We are full of hope and full of faith.

We urge now most earnestly upon those who have set out in the good work, the complete enforcement of the law. We must not for a moment remain idle. While the rum shop is open, the enemy may gain strength. Let it be closed and the door bolted, and we shall very soon be able to write victory upon our banners.—*Providence Advocate.*

Vermont.

The Green Mountain Boys are wide awake, preparing for the great battle on the 2d Tuesday of February, the day when the people decide whether the new law shall go into effect in March next, or its action be delayed until December. The Green Mountain *Ægis* says, that "nearly every religious and neutral paper in the State, and more than one-half of the political papers are standing up boldly in defense of the law."—*Mass. Life Boat.*

Intemperance.

BY MRS. S. S. JOURNEY.

Parent! who with speechless feeling,
O'er thy cradled treasure bent,
Every year new claims revealing,
Gifts of the Omnipotent.
Hast thou seen that blossom blighted
By a sharp, untimely frost?
All thy labor unrequited?
Every glorious promise lost?

Wife! with agony unspoken,
Shrinking from affliction's rod,
Is thy prop, thine idle broken,
Fondly trusted next to God?
Husband! o'er thy hopes a mourner,
Of thy chosen friend ashamed;
Hast thou to her burial borne her,
Unrepented, unrecalled?

Child! in tender weakness turning,
To thy heaven-appointed guide,
Doth a lava poison burning
Mingle with gail affection's tide?
Still that orphan burden bearing,
Darker than the grave can show,
Dost thou bow thee down despairing,
To a heritage of woe?

Country! on thy sons depending
Strong in manhood, bright in bloom,
Hast thou seen thy pride descending
Shrouded to the unhonored tomb?
Rise, on eagle pinion soaring—
Rise! like one of God-like birth;
And Jehovah's aid imploring,
Sweep the spoiler from the earth!

RUM BOTTLES OUTLAWED.—A very important decision, affecting the rights of women, was recently decided in the Court of Quarter Sessions of Berks County. A wife indicted her husband, the *Gazette* says, for an assault and battery, committed under the following circumstances:

They were returning home together in a wagon from market; the husband provided with a 'pocket pistol' well loaded, from which he took sundry 'swigs,' until he became 'shot.' The wife remonstrated earnestly against such conduct, which aroused the anger of her lord, and he commenced abusing her; whereupon she seized the rum bottle and threw it out into the road. For this, her brute of a husband beat her.

Judge Jones charged the jury that the wife's act of breaking the bottle did not justify her husband in striking her; that although a wife had no right to destroy the goods and chattels of a husband, a rum bottle was an exception; that a wife was perfectly justifiable in seizing her husband's rum bottle, wherever she could lay her hands on it, and destroying it, and that in this instance the plaintiff did no more than a sensible woman ought to have done. The jury returned a verdict in accordance with this sound opinion. Rum bottles may therefore from this date be considered without the pale of the law's protection.—*Penn. Paper.*

"DON'T CARRY YOUR TEMPERANCE INTO POLITICS."—This is the cry of moral suasionists. It is alike the cry of the conscientious liquor dealer, whether by the barrel or the single glass. So it is of the occasional drinker, and whiskeyte on the curb stone, or prostrate in the gutter. They are deeply concerned for the purity of politics. They are shocked at the idea of carrying temperance into politics. They see much danger in political temperance. But, in their view, political intemperance is altogether safe and necessary. As if impelled by every feeling of patriotism, humanity, and religion, they carry their intemperance into politics. Will sober men look at the palpable working of the thing, and as Christians and citizens do their duty?—*Watchman Evangelist.*

During the trial of a license case at Princeton, one of the defendants, who argued his own case, on rising to address the jury, apologized by saying that he was not educated a lawyer, but had spent seven years in learning the tailor's trade. To which the Judge responded:

"You certainly ought then to be able to manage a suit."